

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**



UNITED STATES OF AMERICA

v.

TRAVIS FREY

**No. 3:10-00050
JUDGE TRAUGER**

UNOPPOSED MOTION TO REJECT PLEA AGREEMENT

Through counsel, defendant Travis Frey asks the Court to reject the plea agreement presented to the Court on September 15, 2011 (D.E. 46), and to proceed to sentencing on January 19, 2011, without a plea agreement. The government has advised that it has no opposition to proceeding in this manner. Mr. Frey is released on bond pending sentencing and remains in compliance with his pretrial bond conditions.

In support of this motion, Mr. Frey would show the following:

- (1) Based on an anticipated offense level and criminal history category, the parties had negotiated a below-guidelines, Rule 11(c)(1)(C) plea agreement incorporating a sentence of 20 months imprisonment.
- (2) The Court reserved acceptance of Mr. Frey's guilty plea and plea agreement. (D.E. 46).
- (3) Upon receipt of the presentence report with an advisory sentencing range of 18-24 months imprisonment, it appears that both parties overestimated the potential advisory sentencing guidelines range.
- (4) After discussion among the government, defense counsel, and Mr. Frey, Mr. Frey asks the Court to reject the (11)(c)(1)(C) agreement, accept his guilty plea to Counts 1 and 2 of the Indictment, and proceed to sentencing on January 19 without any plea agreement.
- (5) Assistant United States Attorney Scarlett Singleton advises that she does not oppose this motion.